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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,476	03/24/2006	Shigeru Kashiwagi	SON3114	5401

23353   7590   06/26/2008
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EXAMINER
QUADER, FAZLUL

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
06/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 March 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,4,5,8-11 and 14-17</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1, 4-5, 8-11 and 14-17</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Claims 1, 4-5, 8-11 and 14-17 *are* pending in this application.

2.   Examiner acknowledges applicant's amendment on 03/06/2008.

3.   Claims 1, 4-5, 8, 10-11 have been amended on 03/06/2008.

4.   Claims 2-3, 6-7, 12-13 have been cancelled by the applicant on 03/06/2008.

5.   Claims 14-17 have been newly added on 03/06/2008.

6.   Applicant's arguments filed 03/06/2008, with respect to claims 1, 4-5, 8-10-11

and 14-17 have been fully considered but they are not persuasive, for examiner's

response see discussion below.

35 USC § 101

7.   Rejections for claims 12 and 13 under 35 U.S.C. 101 are being withdrawn

because these claims have been cancelled by the applicant.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1, 4-5, 8-11 and 14-17 of the current application (effective filing date: Mar. 24, 2006) are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US 20030229637; pub. date: Dec. 11, 2003), hereinafter "Baxter" in view of Horn (US 20040177319; pub. date: Sep. 09, 2004).

10.   As to claim 1, Baxter discloses, a file managing apparatus for managing files recorded on a recording medium by resorting to an index file recorded on said recording medium ([0012]);

        wherein said index file is formed by a series of entries constituted by blocks of extract information about said files, said extract information being arranged to correspond with said files ([0100]);

        wherein hierarchy management information which is set for each of said entries and which primarily points to another entry is provided to express a hierarchical structure of said files recorded on said recording medium ([0007]); and

        wherein an entry for temporary management is provided under which a file to be deleted is stored temporarily ([0168]);

wherein, in said index file, said extract information is grouped by attribute into a thumbnail image group which is a group of thumbnail images, a text group which is a group of titles in text, and a property group which is a group of properties for managing said thumbnail image group and said text group (Baxter: [0101]; [0127]);

wherein in said property group, entries concerning said files are furnished with entry-related management information pointing to the corresponding entries in said thumbnail image group and said text group, and with file-related management information pointing to the corresponding files (Baxter: [0101]; [0127]);

wherein said file managing apparatus changing the hierarchy management information which is set for the entry of said file to be deleted, in such a manner that said hierarchy management information with keeping said entry-related management information and said file- related management information unchanged regardless of the instruction of the deletion(abstract; [0168]), and

wherein said file managing apparatus includes a display unit to display said extract information about said entry furnished with said hierarchy management information which has been changed so as to point to said entry for temporary management, so that said file managing apparatus accepts processing of the file

associated with said entry about which said extract information is displayed ([0127];

[0144]-[0145]; [0149]);

Baxter, however, does not explicitly disclose, "temporary management" for storage.

Horn, on the other hand, discloses, "temporary management" for storage (Horn:

[0191]).

Both Baxter and Horn are of the same field of endeavor, they specifically teach

file management (Baxter: [0001]; Horn: [0188]).

It would have been obvious to one of the ordinary skill in the art at the time of

applicant's invention to incorporate the teachings of Horn into Baxter of method and

apparatus for safeguarding files to have a useful method, to create a database storage,

organization and retrieval systems. (Horn: [0002], lines 5-6).

11.   As to claim 2, the claim is rejected by the applicant.

12.   As to claim 3, the claim is rejected by the applicant.

13.   As to claim 4, Baxter as modified discloses, the file managing apparatus

according to claim 1, wherein, given an instruction to delete the file associated with the

entry furnished with said management information which primarily points to another

entry and which has been changed to point to said entry for temporary management,

said file managing apparatus deletes the corresponding entry from said index file and

the corresponding file from said recording medium (Baxter: [0127]; [0144]-[0145]).

14.   As to claim 5, Baxter as modified discloses, the file managing apparatus

according to claim 1, wherein, given an instruction to restore the file associated with the

entry furnished with said management information which has been changed to point to

said entry for temporary management, said file managing apparatus establishes said

<u>hierarchy</u> management information in such a manner as to point to a predetermined

entry <u>which is an entry determined by a user in advance or an entry designating by the</u>

<u>user </u>(Baxter: abstract; claim1).

15.   As to claim 6, the claim has been cancelled by the applicant.

16.   As to claim 7, the claim has been cancelled by the applicant.

17.   As to claim 8, Baxter as modified discloses, the file managing apparatus

according to claim 1, wherein said file managing apparatus, when changing said

<u>hierarchy</u> management information in such a manner as to point to said entry for

temporary management, records a date of the change to said index file ([0047]; [0050]).

18.   As to claim 9, Baxter as modified discloses, the file managing apparatus

according to claim 8, wherein said file managing apparatus checks said date of said

change against the current time of day and, depending on an outcome of the check,

deletes the corresponding entry from said index file and the corresponding file from said

recording medium ([0050]; [0071]).

19.   As to claim 10, Baxter as modified discloses, the file managing apparatus

according to claim 1, wherein said file managing apparatus sets an entry for a virtual

folder with date of the change in such a manner as to point to said entry_ for temporary-

management and changes said hierarchy management information in such a manner as

to point to said entry for the virtual folder (abstract; [0007]; [0168]).

20.   As to claim 11, Baxter discloses, a file managing method for managing files

recorded on a recording medium by resorting to an index file recorded on said recording

medium ([0012]);

        wherein said index file is formed by a series of entries constituted by blocks of

extract information about said files, said extract information being arranged to

correspond with said files ([0100]);

wherein hierarchy management information which is set for each of said entries

and which primarily points to another entry is provided to express a hierarchical

structure of said files recorded on said recording medium ([0007]); and

wherein an entry for temporary management is provided under which a file to be

deleted is stored temporarily ([0168]);

wherein, in said index file, said extract information is grouped by attribute into a

thumbnail image group which is a group of thumbnail images, a text group which is a

group of titles in text, and a property group which is a group of properties for managing

said thumbnail image group and said text group (Baxter: [0101]; [0127]);

wherein in said property group, entries concerning said files are furnished with

entry-related management information pointing to the corresponding entries in said

thumbnail image group and said text group, and with file-related management

information pointing to the corresponding files (Baxter: [0101]; [0127]);

said file managing method comprising the step of changing the management

information which is set for the entry of said file to be deleted, in such a manner that

said management information points to said entry for temporary management (abstract;

[0168]).

Baxter, however, does not explicitly disclose, "temporary managent" for storage.

Horn, on the other hand, discloses, "temporary management" for storage (Horn: [0191]).

Both Baxter and Horn are of the same field of endeavor, they specifically teach file management (Baxter: [0001]; Horn: [0188]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Horn into Baxter of method and apparatus for safeguarding files to have a useful method, to create a database storage, organization and retrieval systems. (Horn: [0002], lines 5-6).

management information points to said entry for temporary management (abstract; [0168]).

21.   As to claim 12, the claim has been cancelled by the applicant.

22.   As to claim 13, the claim has been cancelled by the applicant.

23.   As to claim 14. (New) the file managing apparatus according to Claim 10,

wherein said file managing apparatus checks said date of said change against the

current time of day and depending on an outcome of the check, deletes the

corresponding entry and said entry for the virtual folder from said index file, and deletes

the corresponding file from said recording medium (Baxter: [0027]; [0035]; [0051];

[0007]; Horn: [0105]).

24.   As to claim 15. (New) the file managing apparatus according to claim 9, wherein

the corresponding file is deleted from said recording medium according to a lapse of a

predetermined time from date of the change (Baxter: abstract; predetermined selection

criteria; [0120]).

25.   As to claim 16. (New) the managing apparatus according to claim 14, wherein

the corresponding file is deleted from said recording medium according to a lapse of a

predetermined time from date of the change (Baxter: [0120]).

26.   As to claim 17, the claim is rejected for the same reason as the claim 11. In

addition, the file managing method according to claim 11, further including a step of

displaying said extract information about said entry furnished with said hierarchy

management information which has been changed so as to point to said entry for

temporary management, so that said file managing apparatus accepts processing of the

file associated with said entry about which said extract information is displayed (Baxter:

[0127]; [0144]-[0145]; [0149]);

Prior art made of record

27.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ginter et al. (US 20020048369) teach systems and methods for secure

transaction management and electronic right protection.

Takiguchi et al. (US 20020032696) teach Intuitive hierarchical time-series data

display method and system.

Response to Arguments

28.   Applicant's arguments filed 03/06/2008, with respect to claims 1, 4-5, 8-10-11

and 14-17 have been fully considered but they are not persuasive, for examiner's

response see discussion below.

Claims 1, 4, 5, 8-11, and 14-17 are currently pending in this application, with claims 1

and 11 being independent.

Applicant's Arguments: Claims 12 and 13 are rejected under 35 U.S.C. § 101

because the claimed invention is directed to non-statutory subject matter. Claims 12

and 13 have been canceled by the foregoing amendment. Therefore, the rejection is

now moot. Accordingly, withdrawal of the rejection is respectfully requested.

Examiner's Response: As a preliminary matter, most of the features of claims 2 and 3

have been incorporated into claim 1 and claims 2 and 3 have been Canceled.

Claim 1 is directed to a file managing apparatus for managing files recorded on a

recording medium by resorting to an index file recorded on said recording medium;

wherein said index file is formed by a series of entries constituted by blocks of extract

information about said files, said extract information being arranged to correspond with

said files; wherein hierarchy management information which is set for each of said

entries and which primarily points to another entry is provided to express a hierarchical

structure of said files recorded on said recording medium; and wherein an entry for

temporary management is provided under which a file to be deleted is

stored temporarily; wherein, in said index file, said extract information is grouped by

attribute into a thumbnail image group which is a group of thumbnail images, a text

group which is a group of titles in text, and a property group which is a group of

properties for managing said thumbnail image group and said text group; wherein in

said property group, entries concerning said files are furnished with entry-related

management information pointing to the corresponding entries in said thumbnail image

group and said text group, and with file-related management information pointing to the

corresponding files; wherein said file managing apparatus changes, with keeping said

entry-related management information and said file-related management information

unchanged regardless of the instruction of the deletion, the hierarchy management

information which is set for the entry of said file to be deleted, in such a manner that

said hierarchy management information points to said entry for temporary management;

and wherein said file managing apparatus includes a display unit to display said extract

information about said entry furnished with said hierarchy management information

which has been changed so as to point to said entry for temporary management, so that

said file managing apparatus accepts processing of the file associated with said

entry about which said extract information is displayed. Baxter et al. arguably discloses

a method and apparatus for safeguarding files. Horn arguably discloses a computer

system for automatic organization, indexing and viewing of information from multiple

sources. However, Baxter fails to disclose, teach or suggest a use of an index file as

recited in claim 1, in which in said index file; said extract information is grouped by

attribute into a thumbnail image group which is a group of thumbnail images, a text

group which is a group of titles in text, and a property group which is a group of

properties for managing said thumbnail image group and said text group, and wherein in

said property group, entries concerning said files are furnished with entry-related

management information pointing to the corresponding entries in said thumbnail image

group and said text group, and with file-related management information pointing to the

corresponding files. In regard to this point, the Office Action asserts that Baxter

discloses the file management apparatus according to claim 1, wherein in said index

file, said extract information is grouped by attribute into a group of thumbnail images, a

group of files in text, and a group of properties for managing said thumbnail image

group and said text group (Baxter: [0100]). However, at paragraph [0100], Baxter only

discloses "e. Extraction and storing searchable text from eligible documents." Also, at

paragraph [0012], Baxter discloses "[t]he invention accomplishes its tasks by providing

a non-intrusive (i.e. requiring minimal client intervention) method of collecting and

packaging one or more documents (computer files) into a standardized format, securely

recording evidence of the package, and indexing and storing the package for later

retrieval." Thus, Baxter does not disclose, teach or suggest that extract information is

grouped by attribute, and that entries concerning said files are furnished with entry-

related management information pointing to the corresponding entries in said thumbnail

image group and said text group, and with file-related management information.

Moreover, Baxter does not disclose, teach or suggest that "said file managing apparatus

changes, with keeping said entry-related management information and said file-related

management information unchanged regardless of the instruction of the deletion, the

hierarchy management information which is set for the entry of said file to be deleted, in

such a manner that said hierarchy management information points to said entry for

temporary management." In regard to this point, the Office Action alleges that Baxter

discloses "... said file managing apparatus, when changing said management

information primarily pointing to another entry in such a manner as to point to said entry

for temporary management, keeps said entry-related management information and said

file-related management information unchanged regardless of the instruction of the

deletion (Baxter: abstract; [0! 68]). Baxter discloses that "[a] computer implemented

method for safeguarding files, comprising the steps of designating a location on a first

computer for storage of files to be safeguarded, selecting certain of the files to be

safeguarded from the location based upon predetermined selection criteria, copying the

selected files to be safeguarded to a second computer, deleting the selected files from

the first computer, processing the selected files to be safeguarded on the second

computer, and storing the selected files to be safeguarded in a restricted access

database. In a second embodiment, the file is copied to a second computer, but not

deleted from the first computer, in addition to all other steps of the method. The

invention also includes an apparatus for carrying out the methods of the invention."

(Baxter, Abstract). However, in the first embodiment (described in the abstract of

Baxter), the selected files are copied to be safeguarded to a second computer, and the

selected files are deleted from the first computer. Thus, Baxter does not disclose, teach

or suggest that said entry-related management information and said file-related

management information is kept unchanged regardless of the instruction of the deletion.

In the second embodiment of Baxter, the selected files are not deleted but copied to the

second computer. However, in the second embodiment of Baxter, deletion is not

instructed. Further, at paragraph [0168], Baxter discloses "1. Computer programs that

generate documents needing protection store or make duplicates of them (possibly

temporarily) at predictable location(s) on the client's network." Thus, although Baxter

discloses duplicates of documents are stored or made duplicates (possible temporarily),

it fails to disclose that "said file managing apparatus changes, with keeping said entry-

related management information and said file-related management information

unchanged regardless of the instruction of the deletion, the hierarchy management

information." Please note that in Baxter, details of the temporary management for

storage are not disclosed. Also, although Horn discloses temporary management for

storage, it fails to disclose, teach or suggest that "said file managing apparatus

changes, with keeping said entry-related management information and said file-related

management information unchanged regardless of the instruction of the deletion, the

hierarchy management information." Please note that in Horn details of the temporary

management for storage are not disclosed. Thus, none of the applied art discloses,

teaches or suggests that "said file managing apparatus changes, with keeping said

entry-related management information and said file-related management information

unchanged regardless of the instruction of the deletion, the hierarchy management

information which is set for the entry of said file to be deleted and which primarily points

to another entry, in such a manner that said hierarchy management information points

to said entry for temporary management."

Examiner's response: Baxter recites, in [0039] A Software Agent is a computer

program or set of computer programs that perform an unattended, automated process

on a computer system either continuously, at scheduled intervals, or when triggered by

some event. In the abstract, Baxter recites: A computer implemented method for

safeguarding files, comprising the steps of designating a location on a first computer

for storage of files to be safeguarded, selecting certain of the files to be safeguarded

from the location based upon predetermined selection criteria, copying the selected

files to be safeguarded to a second computer, deleting the selected files from the first

computer, processing the selected files to be safeguarded on the second computer,

and storing the selected files to be safeguarded in a restricted access database. In a

second embodiment, the file is copied to a second computer, but not deleted from the

first computer, in addition to all other steps of the method. The invention also includes

an apparatus for carrying out the methods of the invention.

Moreover, in paragraph [0051], Horn discloses, dynamic Queries: Another function of

the inventive MFS-configured computer system provides novel ways to show

relationships between information objects based on shared properties by querying the

MFS metadata and creating links dynamically, including but not limited to matching key

phrases in an object's textual properties; matching dates and times, including date and

time ranges or exact matches; filtering on sizes, ordering, or type; and so forth.

As explained above, in the office action, Baxter discloses, a file managing apparatus for

managing files recorded on a recording medium by resorting to an index file recorded

on said recording medium ([0012]); wherein said index file is formed by a series of

entries constituted by blocks of extract information about said files, said extract

information being arranged to correspond with said files ([0100]); wherein hierarchy

management information which is set for each of said entries and which primarily points

to another entry is provided to express a hierarchical structure of said files recorded on

said recording medium ([0007]); and wherein an entry for temporary management is

provided under which a file to be deleted is stored temporarily ([0168]); wherein, in said

index file, said extract information is grouped by attribute into a thumbnail image group

which is a group of thumbnail images, a text group which is a group of titles in text, and

a property group which is a group of properties for managing said thumbnail image

group and said text group (Baxter: [0101]; [0127]); wherein in said property group,

entries concerning said files are furnished with entry-related management information

pointing to the corresponding entries in said thumbnail image group and said text group,

and with file-related management information pointing to the corresponding files

(Baxter: [0101]; [0127]); wherein said file managing apparatus changing the hierarchy

management information which is set for the entry of said file to be deleted, in such a

manner that said hierarchy management information with keeping said entry-related

management information and said file- related management information unchanged

regardless of the instruction of the deletion(abstract; [0168]), and wherein said file

managing apparatus includes a display unit to display said extract information about

said entry furnished with said hierarchy management information which has been

changed so as to point to said entry for temporary management, so that said file

managing apparatus accepts processing of the file associated with said entry about

which said extract information is displayed ([0127]; [0144]-[0145]; [0149]); Baxter,

however, does not explicitly disclose, "temporary management" for storage. Horn, on

the other hand, discloses, "temporary management" for storage (Horn: [0191]).

Applicant's arguments: Claim 11: Similarly to claim 1, Baxter fails to disclose, teach or

suggest that "in said index file, said extract information is grouped by attribute into a

thumbnail image group which is a group of thumbnail images, a text group which is a

group of titles in text, and a property group which is a group of properties for managing

said thumbnail image group and said text group; wherein in said property group, entries

concerning said files are furnished with entry-related management information pointing

to the corresponding entries in said thumbnail image group and said text group, and

with file-related management information pointing to the corresponding files; said file ....

managing method comprising the step of changing the hierarchy management

information which is set for the entry of said file to be deleted, in such a manner that

said hierarchy management information points to said entry for temporary management,

with keeping said entry-related management information and said file-related

management information unchanged regardless of the instruction of the deletion."

Examiner's response: The claim 11 can be rejected for the same reasons as

mentioned above for claim 1.

Applicant's arguments: Newly Added claims: By the foregoing amendment, Applicants

have added claims 14-17 in order to claim various features of the invention. Since

claims 14-17 depend on the respective base claims 1 and !1, they are allowable for at

least same reasons that the respective base claims are allowable. Therefore, allowance

of the claims is respectfully requested.

Examiner's response: The newly added claims are beign rejected for the reasons

mentioned earlier in this office action.

Conclusion

29.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

30.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FAZLUL QUADER/
Examiner
Art Unit 2164

FQ
06/20/2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164